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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,866	05/27/2005	Yasuhito Niikura	00862.521154.	4585
5514 7590 03/24/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
TSUL, WILSON W				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
03/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/536,866

Applicant(s)

NIIKURA ET AL.

Examiner

WILSON TSUI

Art Unit

2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-6, 8-17 and 19-21.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

Continuation of 11, does NOT place the application in condition for allowance because:

With respect to claims 1 and 12, the applicant first argues in page 9 and page 10 of applicant remarks that "Wiley's program code does not correspond to the claimed single page data management record, because Wiley's program code dot manage data of first and second formats in association with each other [since] Wiley's program code merely converts document to one format for one destination and to another format for another destination, without ever associating the resultant formats with each other [and] as a result, Wiley is not seen to manage data of different formats of the same page in association with each other, much less to generate a single page data management record that manages data of first and second formats of respect pages in association with each other".

However, this argument is not persuasive since the logic/data involved to recognize and perform a conversion is a type of format conversion management data, such that a first format can be converted into a second format. The examiner suggests that the claim language should clarify the type of management performed by applicant's invention to differentiate the applicant's invention from the current prior art (Min et al).

The applicant secondly argues in page 11, that "Min generates a separate generic metadata for a single image file in a single format, rather than generating a record for plural data formats of the same file". In particular, Min creates an independent generic metadata for an input image file, without discerning whether the image file is simply an old page in a different format [and thus] Min's generic data is not seen to correspond to more than one format, much less to manage data of first and second formats for respective pages in association with each other.

However, this argument is not persuasive since the generic metadata can be used as a resource for generating a plurality of formats of the generic file (paragraph 0012, 0013: whereas applications of different formats, can associate with files with different files through an interface). Thus, Min's generic data corresponds to more than one format, and the applicant's argument is not persuasive.

The applicant argues in page 12 of the applicant's remarks that "Tohki's decision of whether to store image data is not seen to correspond to deleting data which is already stored, much less to deleting a page data management record if none of a plurality of output processors refers to the page data management record.

However, this argument is not persuasive since as shown in Fig 5 of Tohki, the first storage unit already stores the image data, and the first storage can be configured to retain or remove data based on user configuration. .

With respect to applicant's argument that all other claims that depend either directly or indirectly upon independent claims 1 or 12, are allowable; is not persuasive since claims 1 and 12 have been shown/explained to be rejected.